

AMENDMENTS TO THE DRAWINGS

In Figures 1-4 the lead line of reference number 12 is corrected and reference number 18 is added to Figure 5.

Attachment: Replacement Sheet(s)

REMARKS/ARGUMENTS

In response to the Office Action mailed April 8, 2008, Applicant amends his application and requests reconsideration. In this Amendment, claims 3, 8-10 and 13 are cancelled and new claims 14-25 are added so that claims 1, 2, 4-7, 11, 12, and 14-25 are now pending.

Declaration

The Examiner asserted that the Declaration was defective because the inventor had crossed out an old address and written in a new address, thereby contravening the requirements of 37 CFR 1.52(c). A new Declaration was required. The requirement is erroneous and, therefore, traversed. No new Declaration is necessary or supplied.

The cited regulation, 37 CFR 1.52(c), applies to a specification, not to a Declaration. Moreover, to the extent the cited portions of the MPEP might apply, those passages are out of date and inconsistent with the rules, specifically 37 CFR 1.76, pertaining to application data sheets. This provision was effective November 7, 2000 and provides that an application data sheet trumps a declaration. See, in particular, 37 CFR 1.76(d). The application data sheet submitted with this patent application is correct and controls. Therefore, no new Declaration is needed and the requirement for the substitute Declaration should be withdrawn.

Drawings

In view of the several objections to the drawings, the drawings have been carefully reviewed. As requested, reference number 18 is added to Figure 5. There is no necessity of adding any reference numbers to any figures in view of the amendment of the specification that is discussed below. Adding those further numbers would only cause confusion. The slight additional length of the lead lines 12 in Figures 1-4 is corrected in the replacement drawings that are supplied. It would be

improper to remove the lead line with respect to reference number 12 since the only inaccuracy is its slightly extended length. Further, identifying each pin with the reference number 46 would add confusion, not clarity to the disclosure. It is not necessary to add reference numbers 13 and 17 to the drawings since those reference numbers are no longer used in the specification.

Abstract

The abstract was objected to as using the term “said”. However, an amended abstract was submitted as part of the Preliminary Amendment and is free of any words that are open to objection. Apparently that substitute abstract was overlooked.

Specification Amendments

In view of the objection to the brief specification of the present patent application, the specification was reviewed and appropriate amendments are made. The errors noted in two of the paragraphs are corrected and other corrections are made to conform the specification to the drawings, and vice versa. The corrections remove and correct certain reference numbers, bringing the drawings into agreement with the specification.

Claim Amendments

In preparing this Amendment, all claims have been amended for clarity and, where appropriate, for consistency of language. Claim 1 remains an independent claim. Claim 1 is amended by incorporating within it parts of examined claim 4 describing the presence of the rotary shaft on the first lever and the orientation of that rotary shaft with respect to the first and second levers. Thus, those transplanted limitations are removed from amended claim 4. Claim 2 is clarified and claim 3 is cancelled in view of the assertion that the claim did not further limit claim 1.

The language objected to in claims 5 and 6 is clarified. Further, the presence of the hole or holes in the first lever, the pin on the wheel, and the pins on each disk as

well as the cooperation of the pins with those holes is described in greater detail in amended claims 5 and 6. Claim 7 has been amended to describe the presence within the pliers of a spring that is interposed between the two disks. The spring provides the resilient support that permits the tilting of these disks toward each other so that the disks may be rotated to change the groove or pair of grooves that is disposed opposite the blade of the second lever. Dependent claims 11 and 12 are amended in the same way that claim 7 is amended.

New claim 14 is taken from original claim 5, but describes the wheel without requiring that the wheel comprise two disks. New claim 15 is taken from examined claim 2 but depends from new claim 14.

New independent claim 16 is similar to amended claim 1. There are two principal differences between amended claim 1 and new claim 16. New claim 16 does not require that the rotary shaft be parallel to the pivot axis of the first and second levers. However, new claim 16 does require that the wheel be substantially planar. Dependent claim 17 is derived from claim 2. Dependent claim 18 describes the orientation of the rotary shaft with respect to the pivot axis of the pliers as in original claim 4. New claim 19 is taken from new claim 14 and original claim 5.

New claim 20 is a third independent claim derived from claim 1, not requiring a particular rotary shaft orientation, but including two substantially planar disks. This claim is clearly supported by the patent application as filed. Claims 21-25 are taken from claims 2, 4, 5, 6, and 7, respectively.

Formality Rejection

The cancellation of claim 3 overcomes the rejection of that claim as indefinite.

Response to Prior Art Rejections

Of the examined claims still pending, claims 5, 6, 11, and 12 were indicated to be allowable if rewritten in independent form. Therefore, there is no further comment

on any of those four claims. Claims 9 and 10 were also indicated to be allowable, but are cancelled here as duplicative of other claims in view of the amendments made.

Claims 1 and 3 were rejected as anticipated by Bonito et al. (U.S. Patent 2,968,096, hereinafter Bonito). This rejection is moot in view of the incorporation within examined claim 1 of part of examined claim 4. Of the examined claims still pending, claims 2, 4, and 7 were rejected as obvious over Bonito. This rejection is respectfully traversed as to amended claims 1, 2, 4, and 7.

As already described, amended claim 1 includes the part of examined claim 4 describing the rotary shaft on the first lever, the orientation of the rotary shaft with respect to first lever and other parts of the pliers, and the mounting of the wheel on the rotary shaft. According to the Office Action at page 6, it would have been obvious to have modified the wire stripping tool of Bonito by changing the alignment of one or more of its shafts, thereby suggesting the claimed invention. This hypothetical modification was asserted to be “mere discovery of the optimum or workable ranges of shaft orientations”. The rejection is traversed because the premise of the rejection is not factually reasonable.

Bonito describes a hand-held wire stripping and wire cutting tool. The Bonito tool includes two handles that pivot about a pivot 10. On the opposite side of the pivot 10 from the portions of the handles intended to be grasped by the hand of the user, there are, closest to the pivot, cutting edges for severing the conductor and insulation of insulated wire. The cutting edges might be used to pierce the insulation surrounding a conductor without cutting the conductor.

However, the most important parts of the Bonito wiring stripping tool appear at the distal ends of the levers that include the handles. A first shaft 33 includes a guide roller 6 including, serially arranged along the shaft 3, peripheral concavities of different, respective sizes for receiving the insulated jacket of electrical conductors of different outside diameters. A second shaft 13 bears a cutter block 16 including a protruding horizontal blade 19. The blade is and must be aligned perpendicular to the shaft 3 to accomplish its function. The cutter assembly can be moved along the shaft

13 to align the blade 19 with the center part of a selected one of the peripheral concavities. Thus, when an insulated conductor is placed in the peripheral cavity of the appropriate size with the cutter assembly opposite the axis of the conductor, the cutter blade 19 cuts through the insulating jacket to the central conductor. By drawing the conductor through the space between the guide roller 6 and the blade, the insulation can be longitudinally slit without damaging the conductor.

It is apparent from the description of Bonito that this manual tool is used by a single worker holding the handles 2 and 12 in one hand, leaving the other hand free to draw the insulated conductor between the appropriate concavity of the guide roller 6 and the blade 19. See the description in Bonito at column 3, lines 35-72.

According to the hypothesis of the rejection, the shafts 3 and 13 could be mounted on the wiring stripping tool, not parallel to the handles 2 and 12, but rather, perpendicular to those handles 2 and 12. One need only consider a mental picture of the workman attempting to use such a tool as compared to the tool that is described by Bonito. The hypothetical tool would be unwieldy, from the basic idea of adjusting the cutter assembly 16 through attempting the draw the insulated conductor between the roller guide and the blade 19. The motion of the user's arms that would be required with such a modified tool would be unnatural, fatiguing, and substantially more difficult than the arrangement of the Bonito tool that is described. In the Bonito tool arrangement, one hand, for example, the left hand, could hold the handles while the right hand pulled the wire through the cutter and the guide roller. In the hypothesized arrangement, it is likely that both arms would have to be active at the same time to cut an effective length of the insulation with a substantially different body stress than occurs in using the Bonito tool as described.

In other words, the hypothetical modification is not reasonable and certainly not an optimization or establishment of a working range. What would have been obvious would be not to so modify Bonito and, for that reason, amended claim 1 cannot sensibly be considered obvious in view of Bonito considered alone. Therefore,

upon reconsideration, the rejection of examined claim 4 should be withdrawn with respect to amended claim 1 and all of claims 1, 2, 4-7, 11, 12, 14, and 15 allowed.

Independent of the patentability of claim 1 and its dependent claims, dependent claim 7 is clearly patentable over Bonito. As already described, the pliers according to amended claim 7 includes a spring keeping the two disks of the wheel resiliently biased away from each other. There is no spring within the Bonito tool and no suggestion for adding a spring because there are not two disks in Bonito and the function of such an added spring is not apparent from consideration of the entire disclosure of Bonito. Accordingly, independent of what other action may be taken, claim 7 should be allowed.

The new groups of claims, based upon new independent claims 16 and 20, are clearly not anticipated by and cannot be suggested by Bonito. The guide roller 6 of Bonito cannot be considered in any way to be "substantially planar." It follows that claims 16-25 are clearly patentable over Bonito for that reason and for the other reasons asserted with respect to the other pending claims.

Conclusion

Reconsideration and allowance of all claims now pending are earnestly solicited.

Respectfully submitted,



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